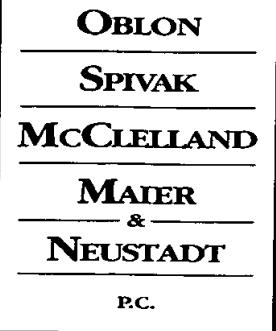




Docket No.: 215850US0PCT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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RE: Application Serial No.: 09/926,568

Applicants: Bernhard MOHR et al

Filing Date: November 19, 2001

For: POLYMERS THAT CONTAIN ALCOXYLATED,
CONDENSED ALKALINE AMINO ACIDS AND
METHOD OF PRODUCING SAID POLYMERS

Group Art Unit: 1711

Examiner: Duc TRUONG

SIR:

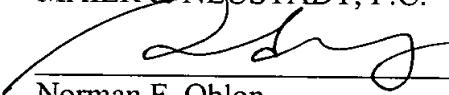
Attached hereto for filing are the following papers:

RESTRICTION RESPONSE

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO.: 215850US0PCT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Bernhard MOHR et al

: GROUP ART UNIT: 1711

SERIAL NO: 09/926,568

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RESTRICTION RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the Official Action mailed March 4, 2003, Applicants elect, with traverse, Group I, Claim 1 with claims related to homocondensates of basic amino acids and species (1) homocondensates of basic amino acids with specific reference to Example 1 (polylysine·2EO) for examination.

REMARKS

The Examiner states that the species listed in the election/restriction requirement do not relate to a single general inventive concept under PCT Rule 13.1, because, under PCT Rule 13.2, the species lack the same or corresponding special technical features.

However, the Examiner has not met his burden under M.P.E.P. §1893.03(d) in which it is stated "When making a lack of unity of invention requirement, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group". The Examiner has not fulfilled this requirement, since the Examiner supplies

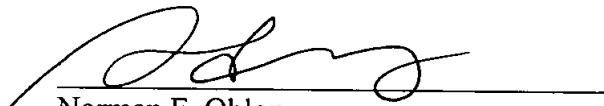
no description of the unique special technical feature in each group that shows there is no general inventive concept.

Further, M.P.E.P. §1893.03(d) states “A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art”. The specification on pages 1 and 2 describes the special technical feature that defines the contribution which each claimed invention, considered as a whole, makes over the prior art in describing the alkoxylated, condensed basic amino acid-containing polymers of the present claims as being used in cleaning compositions, for example, detergents or other laundry additives.

It is submitted that the Examiner has not met his burden of showing that the groups and species of the present application lack unity of invention under the PCT rules and, therefore, the groups and species are not restrictable and the election/restriction requirement must be withdrawn.

Respectfully submitted,

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